

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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DEBORAH TEASDALE,

Plaintiff,

- against -

NEW YORK CITY FIRE
DEPARTMENT,

Defendant.

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ORDER

08-CV-1684 (KAM) (JO)

JAMES ORENSTEIN, Magistrate Judge

Plaintiff Deborah Teasdale, appearing *pro se*, seeks to have the defendant produce information about the ages of all Fire Department personnel hired from 2004 to 2008. *See* Docket Entry ("DE") 64; DE 65. I agree with the defendant that the plaintiff's request is overly broad. On a disparate impact claim such as the one the plaintiff brings here, the number of firefighters who took the test at issue (broken down by percentage of firefighters over and under the age of 40) compared with the number of such firefighters who passed/failed (similarly broken down) is reasonably calculated to lead to the discovery of evidence that would be admissible for purposes of showing a relevant statistical disparity. By contrast, a similar breakdown of the number of all fire department personnel, regardless of whether such employees took the test at issue, is not reasonably calculated to lead to the discovery of admissible evidence that will support or undermine the plaintiff's claim.

Moreover, the requested discovery far exceeds the narrow scope of supplemental discovery I allowed on December 16, 2009. *See* DE 57. I therefore decline to require the defendant to produce the requested information and deny the plaintiff's application for additional discovery. I direct the defendant's counsel to provide a copy of this order to the plaintiff.

SO ORDERED.

Dated: Brooklyn, New York
December 14, 2010

/s/ James Orenstein
JAMES ORENSTEIN
U.S. Magistrate Judge